

MICHELLE D. ALARIE, ESQ.  
Nevada Bar No. 11894  
ARMSTRONG TEASDALE LLP  
3770 Howard Hughes Parkway, Suite 200  
Las Vegas, Nevada 89169  
Telephone: 702.678.5070  
Facsimile: 702.878.9995  
malarie@atllp.com

ROMAINE C. MARSHALL, ESQ. (LR IA 11-2 admitted)  
Utah Bar No. 9654  
JOSE ABARCA, ESQ. (LR IA 11-2 admitted)  
Utah Bar No. 12762  
EMILY NUVAN, ESQ. (LR IA 11-2 admitted)  
Utah Bar No. 17722  
ARMSTRONG TEASDALE LLP  
201 South Main Street, Suite 750  
Salt Lake City, Utah 84111  
Telephone: 801.401.1406  
rmarshall@atllp.com  
jabarca@atllp.com  
enuvan@atllp.com

*Attorneys for Plaintiff Robert Armijo*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROBERT ARMIJO,

Plaintiff,

vs.

OZONE NETWORKS, INC. d/b/a OPENSEA, a  
New York Corporation; YUGA LABS, LLC d/b/a  
BORED APE YACHT CLUB, a Delaware limited  
liability company; LOOKSRARE; and DOES 1 to  
50,

Defendants.

Case No.: 3:22-cv-00112-MMD-CLB

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND DEADLINE TO  
RESPOND TO MOTIONS TO  
DISMISS (ECF NOS. 52, 56) AND  
RELATED REQUESTS FOR  
JUDICIAL NOTICE (ECF NOS. 54,  
58)**

**[FIRST REQUEST]**

Plaintiff Robert Armijo (“Plaintiff”) and Defendants Ozone Networks, Inc. d/b/a OpenSea (“OpenSea”), and Yuga Labs, Inc. (“Yuga Labs”) (together with OpenSea, the “Stipulating Defendants”)<sup>1</sup>, by and through their respective counsel, stipulate, subject to this Court’s approval, to extend the deadlines for Plaintiff to file responses to the pending Motions to Dismiss (ECF No. 52, 56) and related Requests for Judicial Notice (ECF No. 54, 58) by seven (7) days, or to June 24, 2022,

<sup>1</sup> Defendant LooksRare has not appeared in this action.

1 and to set additional briefing deadlines as set forth below. The Motions to Dismiss and related  
2 Requests for Judicial Notice were filed on June 3, 2022, therefore, responses are currently due on June  
3 17, 2022. This is the first request to extend these particular deadlines.

4 WHEREAS, on February 28, 2022, Plaintiff filed a Complaint in the above-entitled action  
5 (ECF No. 1), image later corrected on March 1, 2022 (ECF No. 6);

6 WHEREAS, pursuant to this Court's April 26, 2022 Order Extending Deadlines To Respond  
7 to the Complaint (ECF No. 27), OpenSea and Yuga Labs each timely filed motions to dismiss the  
8 Complaint on June 3, 2022 (ECF Nos. 52, 56) and related Requests for Judicial Notice (ECF Nos. 54,  
9 58);

10 WHEREAS, Plaintiff's deadline to respond to those motions and requests is June 17, 2022;

11 WHEREAS, Plaintiff has indicated that he is presently evaluating his right under Fed. R. Civ.  
12 P. 15(a)(1)(B) to amend his Complaint once as a matter of course within 21 days after service of a  
13 motion under Fed. R. Civ. P. 12(b), which deadline would be June 24, 2022, and which filing would  
14 render moot the pending motions to dismiss;

15 WHEREAS, in light of the foregoing, Plaintiff has requested, and Stipulating Defendants do  
16 not object to, a 7-day extension of time for Plaintiff to respond to the pending motions and related  
17 requests, to June 24, 2022, so that his deadline to do so is concurrent with the 21 days Plaintiff has to  
18 amend his Complaint;

19 WHEREAS, in the event that Plaintiff elects to oppose the pending motions by June 24, 2022,  
20 Stipulating Defendants have requested, and Plaintiff does not oppose, a two-week extension of time  
21 for Stipulating Defendants to file any reply brief, to July 15, 2022;

22 WHEREAS, in the event that Plaintiff elects, instead, to amend his complaint by June 24, 2022,  
23 the parties have met and conferred and agree that Stipulating Defendants shall answer or otherwise  
24 respond to the amended complaint by July 29, 2022. In the event Stipulating Defendants file  
25 responsive motions, the parties agree to the following briefing schedule: Plaintiff shall have until  
26 September 2, 2022 [35 days] to file any opposition, and Stipulating Defendants shall have until  
27 September 30, 2022 [28 days] to file any reply briefs;

28 WHEREAS, this is the first request to extend these particular deadlines and the extensions will

not unduly delay proceedings, as this case is still in its infancy and no scheduling order is currently in place.

WHEREAS, this stipulation is entered into in good faith and is not filed for improper purposes.

NOW THEREFORE, Plaintiff and the Stipulating Defendants, by and through their respective counsel, stipulate that good cause exists under Local Rule IA 6-1 to extend Plaintiff's deadline to respond to the pending motions to run concurrent with his time for amending the complaint, and to amend and/or set a briefing schedule in connection depending on whether Plaintiff elects to file oppositions or file an amended complaint by that date, and jointly request, subject to the Court's approval, as follows:

- Plaintiff has until June 24, 2022, to file any responses to the pending Motions to Dismiss and related Requests for Judicial Notice;
- In the event Plaintiff elects to oppose the pending motions and requests, then Stipulating Defendants shall have until July 15, 2022, to file any reply briefs;
- In the event Plaintiff elects to file an amended complaint, Stipulating Defendants shall have until July 29, 2022, to file any answer or responsive motion(s) to the amended complaint; Plaintiff shall have until September 2, 2022, to file any response(s), and Stipulating Defendants shall have until September 30, 2022, to file any reply brief(s).

DATED this 17th day of June, 2022.

DATED this 17th day of June, 2022.

**ARMSTRONG TEASDALE LLP**

**FENWICK & WEST LLP**

By: /s/ Michelle D. Alarie  
 MICHELLE D. ALARIE, ESQ.  
 Nevada Bar No. 11894  
 3770 Howard Hughes Parkway, Suite 200  
 Las Vegas, Nevada 89169  
  
 ROMAINE C. MARSHALL, ESQ. (pro hac vice)  
 Utah Bar No. 9654  
 JOSE ABARCA, ESQ. (pro hac vice)  
 Utah Bar No. 12762  
 EMILY NUVAN, ESQ. (pro hac vice)  
 Utah Bar No. 17722  
 ARMSTRONG TEASDALE LLP  
 201 South Main Street, Suite 750  
 Salt Lake City, Utah 84111  
*Attorneys for Plaintiff Robert Armijo*

By: /s/ Katherine A. Marshall  
 MICHAEL S. DICKE, ESQ. (pro hac vice)  
 CA Bar No. 158187  
 JENNIFER C. BRETAN, ESQ. (pro hac vice)  
 CA Bar No. 233475  
 KATHERINE A. MARSHALL, ESQ. (pro hac vice)  
 555 California Street, 12th Floor  
 San Francisco, CA 94104  
  
 JOHN D. TENNERT, III, ESQ.  
 Nevada Bar No. 11728  
 FENNEMORE CRAIG, P.C.  
 7800 Rancharra Parkway  
 Reno, NV 89511  
*Attorneys for Defendant Yuga Labs, Inc.*

1 DATED this 17th day of June, 2022.

2 **MUNGER, TOLLES & OLSON, LLP**

3 By: /s/ Jonathan H. Blavin

4 JONATHAN H. BLAVIN, ESQ. (pro hac  
5 vice)  
560 Mission Street, 27<sup>th</sup> Floor  
6 San Francisco, CA 94105

7 JOHN P. DESMOND, ESQ.

8 Nevada Bar No. 5618

9 JUSTIN J. BUSTOS, ESQ.

10 Nevada Bar No. 10320

DICKINSON WRIGHT PLLC

100 W. Liberty St., Suite 940

Reno, NV 89501

11 *Attorneys for Defendant Ozone Networks, Inc.*  
12 *d/b/a OpenSea*

13 **ORDER**

14 **IT IS SO ORDERED.**



15  
16 UNITED STATES DISTRICT JUDGE

DATED: June 22, 2022